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U.T. CHANDIGARH

LITIGATION POLICY

(2025)

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1. Introduction:

The Chandigarh Litigation Policy reflects the resolve of the Chandigarh Administration to bring about a visible and enduring qualitative and quantitative improvement in the manner in which litigation is perceived, managed and conducted in the Chandigarh Administration. It embodies the national concern that pendency and delays in our learned Courts should be reduced proactively by the Government. The policy draws inspiration from the National Litigation Policy. A major part of its provisions applicable to Chandigarh Administration have been incorporated mutatis mutandis.

2. The Vision/Mission;

a) The Chandigarh Litigation Policy is based on the recognition that Chandigarh Administration and its various agencies are the pre-dominant litigants in Courts and Tribunals. Its aim is to transform Chandigarh Administration into an Efficient and Responsible litigant. This policy is also based on the recognition that it is the responsibility of the Chandigarh Administration to protect the rights of citizens and to respect fundamental rights.

b) **The Stakeholders:**

i. Office of Chief Secretary, U.T., Chandigarh.
ii. Home Department
iii. Law and Prosecution Department
iv. Chandigarh Administration /Chandigarh Public Sector Undertaking/Statutory Bodies
v. Heads of all the respective Departments, Boards, Corporations
vi. Senior Standing Counsel.
vii. Public Prosecutor, U.T., Chandigarh.
viii. Law Officers and Government Pleaders and individual officers all connected with the concerned litigation.

c) Accountability is the touch-stone of this Policy. Accountability will be at various levels; at the level of officers in charge of litigation; those responsible in defending cases; all the lawyers concerned; officials & staff of the concerned department of U.T. Administration and concerned Nodal Officers.

3. Definitions: For the purpose of this policy:-

"Head of Department" means the administrative person ultimately responsible for the working of the Department or Agency, as the case may be.

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"Nodal Officers" means a person preferably with legal background and expertise appointed by the Heads of Departments at Administration, Department and District Level under the U.T., Chandigarh Litigation Policy.

4. Nature and Applicability of the Policy;

a) It shall be mandatory and shall bind all stake holders, personnel who directly or indirectly are associated with litigation, to comply with the provisions of the Policy.

b) The Policy shall serve as the main authoritative reference point for all questions of procedure, norms and interpretation.

c) The Policy shall have the force of an administrative regulation to be notified in the Official Gazette.

d) The Law Department Manual, which is an evolving collection of guidelines, instructions, clarifications and information would continue to serve as definitive guide for matters related to litigation and as a reference document in matters connected with Litigation.

5. Institutional Framework/Implementation of the Policy:

It is proposed to implement the policy through a three tier system:-

A. Administration Level Empowered Committee (ALEC).

B. Department Level Empowered Committee (DLEC).

C. District level Empowered Committee (DTLEC).

At the appropriate level these committees will decide whether an appeal is to be filed or not.

(I) ADMINISTRATION LEVEL EMPOWERED COMMITTEE (ALEC)

(FIRST TIERCOMMITTEE)

It shall be constituted under the Chairmanship of Chief Secretary, U.T., Chandigarh and comprising of the following members:

Members:

a. Home Secretary
b. Finance Secretary
c. Secretary of Department concerned
d. Legal Remembrancer-cum-Director of Prosecution
e. Senior Standing Counsel/Public Prosecutor
f. Administration Nodal Officer-cum-Member Convener
g. Any other Officer/Expert as per the invitation of the Committee

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Aims and Functions:-

(a) The ALEC shall strive to streamline the litigation and attempt to minimize litigation by identifying the major causes of litigation and shall recommend measures to the Chandigarh Administration to minimize litigation and suggest introduction of changes in procedures relating to decisions involving core policy. It shall monitor all the stages of the litigation process and the reports submitted by Department Level Empowered Committee. The committee shall meet quarterly.

(b) In cases, where judgment passed by High Court or Supreme Court have attained finality, the Administration Level Empowered Committee shall take a decision to get it implemented across all the Departments/Board/Corporations/PSU (as and where applicable) in similar cases covered by the said judgment. The ALEC shall also look into the cases where benefits have erroneously/unduly been extended to an individual employee/class of employees consequent upon some court order where appeal should have been filed, and shall accordingly recommend filing of appeal in fit cases, if already not filed.

(c) The Administration Level Empowered Committee shall review the cases of entire Chandigarh, where prosecution/investigation has failed to secure conviction and shall recommend suitable measure to make improvements, especially procedural reforms.

(d) The Administration Level Empowered Committee shall quarterly review the status of civil litigation of the entire Union Territory, Chandigarh in the prescribed proforma submitted by Department Level Empowered Committee and District Level Empowered Committee through Court Case Management System software (hereinafter called 'CCMS'). The information shall be sent to Administration Level Empowered Committee by the Department Level Empowered Committee and District Level Empowered Committee on monthly basis in a strict time bound manner.*

(II) DEPARTMENT LEVEL EMPOWERED COMMITTEE

(SECOND TIER COMMITTEE).

It shall be headed by the Administrative Secretary of the Department and comprising of the following members:

Members:

a. Director / Head of the Department
b. Representative of Senior Standing Counsel/Public Prosecutor
c. Representative of Finance Department not below the rank of Joint Secretary.

d. Representative of Legal Remembrancer–cum-Director of Prosecution, Chandigarh Administration.

e. Department Nodal Officer-cum-Member Convener.

Aims and functions:

(a) Department will take corrective steps, if required, for amendment of any policies, rules and procedure at their own level as per established procedure. It shall enforce accountability of Department Officials/Personnel/Law Officers/Lawyers and Nodal Officer concerned with the litigation process and for this purpose introduce a comprehensive reporting and data flow system. The committee shall meet once in two months.

(b) The Department Level Empowered Committee shall identify issues to be placed for Administration Level Empowered Committee for intervention and appropriate decision in prescribed format through Litigation Management System.*

(c) The Department Level Empowered Committee shall submit comprehensive monthly status report of pending cases and action taken thereon to Administrative Level Empowered Committee.

(III) DISTRICT LEVEL EMPOWERED COMMITTEE

(THIRD TIER COMITTEE)

It shall be headed by Deputy Commissioner/District Magistrate of the Chandigarh and comprising of following members.

Members

a. Superintendent of Police (as and when required)

b. District level Head of the Office

c. District Attorney

d. ADA or Law Officer of the concerned department

e. District Nodal Officer-cum-Member Convener

Aim and Functions:-

(a) To monitor and review all cases in the same way as at the Administration Level. In matters not in its jurisdiction or requiring directions at Departmental Head Quarters level or matters that need policy clarifications the committee will make a reference to the Department Level Empowered committee. Meeting shall be held once in a month.

(b) District Level Empowered Committee shall send monthly report to Department Level Empowered Committee of all cases and also of those cases which were found fit to be referred to the Lok Adalat.

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6. Prevention and Control of Avoidable Litigation:

(A) Setting up of Grievance Redressal System:

A major cause of litigation is arbitrariness in decision making, and lack of proper response to representations made by employees and parties. In service matters, most of the cases relate to relief not being given as per rules, instructions and policy decisions. In other cases there may exist more than one policy. In majority of such cases coming to the Courts, the Courts give directions to pass speaking orders in a time-bound manner. Before the matter reaches the Court, the affected party generally spends a lot of time and effort to redress its grievances through the normal administrative channel. In view of this all Departments shall set up effective grievance redressal Committees which would pre-empt a lot of unnecessary litigation.

(a) It shall be mandatory for employees to seek redressal through this system, first, before going to the Courts.

(b) A time limit of eight weeks may be fixed to decide a representation /grievances.

(c) A Two-tier structure shall be set up. In the first tier each department shall have a grievance cell at the State Level. The second tier shall be at the district level. All cases and issues, at the request of the aggrieved party, shall be reviewed to redress genuine grievances.

(d) The department level grievance cell/committee shall be headed by the Head of Department, and shall meet on a monthly basis to review the efficacy of the grievance redressal system in the Department at the headquarters and field level. In case it is found that certain instructions/ rules need to be reviewed by the General Administration Department or Finance Department, it shall refer the matter to the Administration Level Empowered Committee constituted herein under this policy, so that decision on the same can be expedited. As the disciplinary, seniority and ACP matters are a major source of litigation, these shall be resolved by all departments expeditiously and seniority lists updated and printed/published regularly after following due procedure.

(e) To facilitate efficient grievances redressal system, a dedicated software platform should be developed in consultation with NIC which shall enable the employees to submit grievances online, ensuring transparency and accountability. It shall also allow the employee to track its grievance status and set prescribe time frame for addressing the grievances.

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(f) The constitution of two tier structure shall be as follow :-

Head office level Grievances Redressal Committee (Tier 1)	District level Grievances Redressal Committee (Tier 2)
1. Head of the Department 2. Two Class-I officer (atleast one should be SAS cadre officer) 3. Law Officer posted in the head office	1. Additional Deputy Commissioner 2. Chief Accounts Officer/Sr. Accounts Officer/Accounts Officer posted in the District as nominated by Deputy Commissioner 3. District Attorney/Deputy District Attorney/Assistant District Attorney posted in the District as nominated by Deputy Commissioner

(g) The aforementioned Grievances Redressal Committee shall be notified by the Head of the Department and the Deputy Commissioner concerned within 30 (Thirty) days of the issuance of this policy. The Committee at Head office level shall be assisted by the Additional Director/Joint Director concerned and that of District Level Committee shall be assisted by the Head of the office at district level of the concerned department.

(h) Procedure of Employee Grievance Redressal Committee:

(i) The Committee should commence the redressal proceedings within seven days from the receipt of grievance/ representation.

(ii) The Committee shall fix a date for hearing to allowing the employee to appear personally before the committee and submit his submissions.

(iii) The Committee shall consider the submissions (oral and written) and provide its recommendation to next higher authority within thirty days of hearing.

(iv) The committee shall consider the principles laid down in clause (d) and (e) of para 5 of this policy while deciding the grievance of an employee.

(v) Head Office Level Grievance Committee recommendation shall be decided by concerned Administrative Secretary.

(vi) District Level Grievance Committee recommendations shall be decided by Head of Department or Administrative Secretary as the case may be.

(vii) The next higher authority shall decide on the recommendations within one (1) month from the receipt of the recommendations.

(B) Settlement of Dispute through Alternative Forums:

LOK ADALATS:

a. All pending disputes/cases shall be reviewed by the Department and District Level Empowered Committee with a view to settle them before the Lok Adalats/Special Camps, in consultation with the Legal Aid Cell of Hon'ble High Court or the State/District Legal Services Authority, as the case may be. This exercise shall be carried out periodically, preferably every three months.

b. Every Department should authorize some officers after proper examination and with instructions to take final decisions so that minor disputes pending in different courts can be settled through Lok Adalats with active participation of such officers. Moreover, not attending of Lok Adalats by an officer deputed to do so shall straight away invite disciplinary proceedings.

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c. Administration Level Empowered Committee would look into the ways and means for maximizing case/dispute disposal through Fast Track Courts, Family Courts etc.

ARBITRATION

a. The Arbitration and Conciliation Act, 1996 provides a comprehensive mechanism for settlement of disputes. Wherever feasible, the Departments shall provide for settling of disputes relating to work contracts and commercial contracts etc.

b. Departmental Nodal Officer shall monitor the status of pending arbitration cases and apprise the Administrative Secretary/Head of Department of the cases in which the progress is slow for one reason or the other.

(C) Grant of Admitted Relief:

(a) The necessary admissible relief including admissible liability in cases of due payments, admissible retiral benefits, admissible ex-gratia benefits, medical reimbursement, admissible monetary compensation under U.T. Chandigarh Administration run schemes and any other admissible relief shall be granted to the parties without forcing them to take legal remedies.

(b) Such relief, if not granted on its own, shall be granted within a period of three months from the receipt of any representation/legal notice receive in this regard.

(c) Failure to adhere to this provision would invite punitive/departmental action unless there was a sufficient and unavoidable cause for the delay.

(D) Cases similar to already decided cases:

(a) The cases similar to already settled cases should be dealt at the department level and litigation should be avoided.

(b) All the departments should be encouraged to consider the notice under section 80 of Civil Procedure Code, 1908 and settle the claim forwarded by prospective plaintiff if it appears to be just and proper. The department should objectively consider the just claims and settle them, if well founded. This would save the public exchequer from the wasteful expenditure on unnecessary litigation.

(c) Any officer/official who causes U.T. Chandigarh Administration to engage in unnecessary litigation shall invite punitive action.

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7. Representation of Chandigarh Administration :

a. Chandigarh Administration Panels should be constituted which should have a cross section of lawyers, with legal knowledge and integrity.

b. Incomplete briefs are frequently given to Government Pleader. This must be discontinued. It is the responsibility of the person in charge of the department/agency concerned, to ensure that proper records are kept of cases filed and that copies retained by the Department are complete and tally with what has been filed in court.

c. Law officers will ensure that the Chandigarh Administration is properly represented and there is no procedural lapse regarding submission of process fee and issuance of notice. Law officers will ensure proper tackling of the case and they should go to the depth of matter.

d. A time period of **15 days is fixed** for the law officers to tender their legal opinion to the departments.

8. Adjournments:

All efforts should be made not to seek adjournment except in exceptional and unavoidable circumstances. Cases in which costs are awarded against the Chandigarh Administration as a condition of grant of adjournment will be viewed very seriously.

9.Pleadings *&* Counters:

a. Efforts shall be made for drafting the pleadings as per law comprehensively including all facts, legal points, and documents. For fulfilling this purpose, proper training should be conducted.

b. Special formats for Civil Appeals, Special Leave Petitions and Counter Affidavits shall be formulated and circulated by way of guidance and instructions. This shall include not only contents but also the format, design, font size, quality of paper, printing, binding and presentation. It shall be the joint responsibility of the Drafting Counsel and the Advocate on Record to ensure compliance.

c. Counter Affidavits in important cases will not be filed unless the same are shown to and vetted by Law Officers. This should, however, not delay the filing of counters.

d. The replies/written statements to be filed in the High Court should be approved on file by the concerned HODs. Similarly, replies to be filed in the District Courts are to be approved on file by concerned HODs. Replies/ written statements should be filed within the limitation period of 3 months.

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e. The Administration shall also ensure accountability of law officer, legal advisors with reference to the drafting of reply, vetting and professional assistance to the courts.

10. Principles governing Filing of Appeals:

(a) After disposal of final order/judgment is passed; a prompt examination by the concerned officer/ADA/DDA/DA be carried out and opinion about preferring/non preferring an appeal be forwarded to the Legal Remembrancer-cum-Director of Prosecution, within a week of receipt of certified copy; Law Officer deputed to examine the matter must tender his/her opinion to the Legal Remembrancer-cum-Direction of Prosecution within three days of entrustment of the matter; who shall tender his/her opinion within three days and forwarded the same to the concerned department.

(b) Department Nodal Officer after having the approval of concerned Secretary within three days will co-ordinate with the official of the department and the Government Pleaders to ensure that the appeal must be drafted, vetted and filed in time.

(c) Failure to adhere to this would invite punitive/departmental action unless there was a sufficient cause which has delayed the matter.

(d) Since all the orders of Supreme Court and other courts are uploaded on the website within 48 hrs, departments shall start necessary step involving the process of filing appeals.

(e) Appeals in such cases shall also be avoided where the financial implication involved is less than 2 lakh rupees and matter is covered by the judgments of Hon'ble Supreme Court or High Courts which has attained finality and the present case cannot be distinguished from the facts of those cases.

(f) Appeals shall ordinarily not be filed in the Supreme Court unless:

(i) The High Court has struck down a statutory provision/Government policy.

(ii) The case involves a substantial question of law, involving the interpretation of a statute or under the Constitution of India;

(iii) The findings of fact involved are so perverse that no reasonable judicial mind could have arrived at such conclusions:

(iv) Public finances are adversely affected;

(v) There is substantial interference with public justice;

(vi) The Court or forum concerned has exceeded its jurisdiction;

(vii) The interpretation of the High Court is plainly erroneous.

(viii) The judgment shall set a precedent which is contrary to Government policy/rules/statutes.

(g) Inter-se litigation between different Departments/ Public Sector Undertakings/ Local Government or Cooperative institutions of the State shall be resolved within the purview of the guidelines issued by Government from time to time.

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Limitation: Delayed Appeals:

a. Each Head of Department will be required to call for details of cases filed on behalf of the Department and to maintain a record of cases, which have been dismissed on the ground of delay.

b. Applications for condonation of delay are often drafted in routine manner without application of mind. This practice must immediately stop. It is responsibility of the drafting Counsel/Government Pleader to carefully draft an application for condonation of delay, identifying the areas of delay and identifying the causes with particularity. Drafting Government Pleader who fail to adhere to this maybe suspended/removed from the Panel.

c. Belated appeals filed beyond the period of limitation cannot be approached merely from the point of view that courts have different approaches towards condonation of delay. The tendency on the part of empanelled Counsel/Government Pleader to expect leniency towards Administration for condonation of delay must be discouraged. The question of limitation and delay must be approached on the premise that every court will be strict with regard to condonation of delay and accordingly there have to be ground work and preparation.

11. Review of Pending Court Cases:

All pending cases involving Chandigarh Administration will be reviewed via Court Cases Monitoring System(CCMS). This Due Diligence process involves drawing upon statistics of all pending matters, which shall be provided for by all the departments of Chandigarh Administration (including PSUs). The office of the Senior Standing Counsel / Public Prosecutor shall be responsible for reviewing all pending cases and cases shall be grouped and categorized.

12. Litigation at Apex Level:

Senior Standing Counsel / Public Prosecutor shall be responsible for defence of cases in the High Court; however, Central Agency Section, Supreme Court Compound shall be responsible for the defence of cases at National level. In important cases, where senior private counsels have to be engaged, the terms and conditions of engagements and counsel fee shall be as settled by the Administrative Department concerned with the previous approval of the Administrator, U.T., Chandigarh.

13. Litigation at District Level:

(a) Review of Pending Court Cases: All pending cases involving Government shall be reviewed by State Level Empowered Committee. The Department Level Empowered Committee and District Level Empowered Committee shall submit statistics of all pending matters in format as prescribed by State Level Empowered Committee.

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Judgment in Criminal Cases along with comments of ADA/DDA/DA and recommendations and recommendation of District Attorney shall be submitted to the Legal Remembrancer-cum-Direction of Prosecution within 15 days of receipt of the certified copy of the judgment, for tendering opinion within 15 days. Law Officer deputed to examine the matter must tender his/her opinion to the Legal Remembrancer-cum-Direction of Prosecution within a week of entrustment of the matter; who shall tender his/her opinion promptly and forwarded the same to the Director General of Police, Chandigarh for his/her opinion. Failure to adhere to this would invite punitive/departmental action unless there was a sufficient cause which has delayed the matter.

(b) The file shall include copy of judgment, statements of witnesses and police file.

(c) It shall help to understand the flaws in investigation and take remedial measures.

(d) The Director of Prosecution shall be competent to issue directions/ grant approval for filing revision against any order of Illaqa Magistrate or Trial Court.

(e) Appointment of Nodal Agency at District Level &Chandigarh Administration level to monitor the availability of official witnesses.

(f) Duty of District Attorney to collect list of official witnesses to be examined in successive/next month in different cases.

(g) The non-availability of witness should be intimated in advance to District Judge/Court concerned.

(h) Ensuring that the witnesses appear in court either in person or available for recording evidence by way of video conferencing.

(i) Police protection will be given to the official witness who has apprehension of threat to his life till the pendency of the matter in court.

(j) Regarding procedure of application for witness protection, types of protection measures and other incidental matters should be referred as per the provisions provided under the Chandigarh Witness Protection Scheme, 2024.

14. <u>Coordination with Courts</u>;

a. The Administration Level Empowered Committee shall regularly interact with the Hon'ble High Court to improve system and infrastructure for disposal of cases.

b. Request could be made to allow sharing of data on the website with U.T., Chandigarh Administration to enable better monitoring.

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15. Specialized Litigation;

a. Public Interest Litigation (PIL):

Where the Chandigarh Administration receive notices regarding Public Interest Litigation, the Administration even before filing the written statement/response, if it is required to do so, shall take some immediate steps to do the needful as per the averments in the writ petition. The Administration shall take all remedial measures to do the needful and then status report may be filed along with the response on the first date of hearing. It would save the time of the Chandigarh Administration as well as of the Hon'ble Courts.

b. Contempt Cases:

On receiving the information regarding contempt case or contempt petition, Department/officer concerned, instead of pointing out technical objection, shall prepare comments on the merit of the case, status of compliance and whether the order has been challenged in any appeal or revision or the same has been set aside by any other higher court or as to why compliance has not been made.

16. IT based decision support & monitoring: system for Litigation Management:

a. Litigation Policy should be strongly supported by IT infrastructure for better monitoring; for this efforts shall be made to generate monthly Court Cases Monitoring System.

b. IT based Legal Resource Base:

i. There is need to facilitate online and offline access to case laws and relevant Acts, Book etc. to help the departments and their Government Pleader to prepare their cases. For this purpose, online access to computerized data bases shall be provided through suitable arrangement/service provider.

ii. Attempt will be made so that all the Landmark judgments, especially in favour of the Government/Chandigarh Administration, be researched and made available on website, Act wise. Further, attempt will be made to make available all Acts, Rules, notifications and judgments on the web site of the Department. Efforts will be made to maintain the website for Court Cases Monitoring System (CCMS). To keep the emplaned counsels/Govt. pleaders legally upto date with latest judgments, they may be provided Legal Search Software.

c. Exchange of Legal Resources:

i. Efforts will be made for sharing of judgments/ orders passed by the Hon'ble Supreme Court, High Court against different departments so that while taking a decision in any matter they

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are kept in view. This could be done by placing the important judgments on the website of the departments or through e-mails.

ii. Efforts will be made to maintain a database of the decided cases by properly cataloguing the same which may be an effective tool for reference while deciding the case by competent authority and for making reference while defending the cases before the courts.

17. Training & Workshop:

i. Efforts shall be made to organize Training Programmes, Seminars, Workshops, National and Regional Conferences and Refresher Courses for Government Pleaders so that matters of mutual interest can be discussed and problems be analysed.

ii. All the concerned Nodal officers and staff members (assistant and superintendent) shall be trained and made aware of duties on annual basis as per the annual calendar prepared for training.

18. Amendment to Policy

The U.T., Chandigarh Litigation Policy shall be responsive to the changing requirements of the litigation system and its various constituents like Judiciary, Chandigarh Administration and the Public. Administration Level Empowered Committee shall consider reasonable suggestion/proposals for amendment to the policy as may be received from stakeholders in the litigation system at various levels with the objective of achieving the aim and objects of the Policy more effectively. The committee may recommend modification/amendment in the Policy as and when necessary on its own motion also.

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Annexure: 1

NODAL OFFICER

1.1 Control and Management of Litigation by Nodal Officer:

i. Every department of the Chandigarh Administration shall have one senior administrative officer with legal background and expertise, who shall be designated as Nodal Officer under this policy. Nodal Officer shall be appointed at Administration Level, Department Level and District Level.

ii. He will be responsible for proactive management of court cases, constant monitoring of the proceedings of the court cases and to ensure that there is no delay on the part of the department in the conduct of cases before different courts.

iii. He will also be the Nodal Officer for grievance redressal under this policy for that department and will have adequate staff and support system in discharging his duties.

iv. He will be assisted by Law officers(including DA/DDA/ADA).

v. He shall also undergo suitable training in the sphere of litigation management for capacity building.

1.2 Role & Responsibilities of Nodal Officers:

i. To consider each and every petition/notice for demand of justice/representation and notice u/s80 of CPC positively within a period of 30 days from the date of its receipt, and this 30days period is fixed, so that the action taken be conveyed to the employee or person who served legal notice or the representator.

ii. All legal notices, petitions, letters from O/o Ld. Senior Standing Counsel, Chandigarh regarding legal matters shall be sent to concerned Nodal Officer, who shall be responsible for bringing it to the notice of concerned Secretary/HOD for further necessary action to get issued sanction for defence of cases & filing of appeals, writ petitions, civil revisions, RSA, arbitration cases or any other case by and on behalf of the Chandigarh Administration and directly interact with the office of Legal Remembrancer/Administrative Secretaries to avoid the procedural delay.

iii. On receipt of orders from the Hon'ble courts by Nodal Officer or office of Senior Standing Counsel, he will ensure that necessary entries are made in Court Case Management System (CCMS) and papers are sent to officer concerned for filing reply, implementation, processing the papers promptly and for sending him a response for uploading on CCMS.

iv. He must indicate the time lines by which the action has to be taken and in case of inaction, he must take up the matter with officer concerned and Secretary/HOD.

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v. All judgments of universal application will be endorsed by him in the Department for guidance and implementation.

vi. He must carry out a fortnightly review of :

a) Filing of reply/short reply/written statement/status report/affidavit.
b) Implementation of the court orders/directions
c) Filing of LPA/SLP/RSA/FAO, RFA's & CR's
d) Status of legal notice/contempt notice/representations.

He must be responsible for training of CCMS within the department.

vii. To endeavour to see whether litigation between PSUs and Chandigarh Administration can be avoided. If litigation cannot be avoided for these PSUs and Chandigarh Administration and vice versa then A.D.R. methods like mediations/conciliation must be considered.

viii. To monitor the progress of litigation, particularly to identify the cases in which repeated adjournments are being taken, and to apprise the respective HOD about the repeated and unjustified adjournments.

ix. To ensure that all relevant date regarding pendency of cases against the Chandigarh Administration have been entered in the CCMS on daily basis and same data be sent to the Administration Level Nodal Officer on monthly basis, which will be reviewed by Administration Level Nodal Officer.

x. Directions regarding CCMS to be strictly followed by all the Departments / Boards / Corporations/ Autonomous Bodies/ Other Administration Instrumentalities in the Chandigarh Administration in compliance of directions issued by the Hon'ble Punjab & Haryana High Court in *COCP No. 1751/2016 Ramesh & Ors V. Shri Raghuvendra Rao & COCP No.3274/2016 Damanjit Kaur V. Smt. Keshn Anand Arora & Anr.*

xi. To accept the notices, summons and copies of the petitions and to avoid unnecessary litigation by promptly taking action upon the notices from the court consider the case of such person and can grant the relief without waiting for the date fixed in the case and can submit the application before the court intimating that the relief has been granted to such person and to bring an end to such avoidable litigation, instead of following the process of filing written statement etc.

xii. To submit report of the cases to the HOD explaining all the reasons for delay and identify the persons/causes in the cases in which department could not file appeals within the period of limitation in case of failure to perform the above duty, an entry will be made in the Annual Confidential Report of the officer/official concerned.

xiii. Nodal Officer can constitute departmental committee with the prior approval of the HOD for review/analysis of litigation/legal notice/representation.

xiv. The Chandigarh Administration should consider that the litigation of the Department whether in District Courts or in the Hon'ble High Court or in the Hon'ble Supreme Court should be exclusively monitored by the Administration Level. This is being proposed to avoid the different stand of the Chandigarh Administration before different courts and one

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stand of the Department before all the courts, irrespective of the fact of place of litigation in different Departments.

xv. The Nodal officer shall ensure that historical data is entered in CCMS software after proper verification and authentication by the department in time bound manner and for this end the HOD would ensure that requisite support system and infrastructure will be provided to Nodal Officer of his Department. If possible the Chandigarh Administration should consider that Nodal Officer of the Department should be entrusted only with CCMS work and should be absolved of other duty.

xvi. In case of transfer/retirement of Nodal Officer or as the case may be, establishment of concerned department shall ensure that the user I.D. and password has been got deactivated from quarters concerned well before relinquishment of charge by such transfer/retiree. New Nodal Officer is appointed& fresh user I.D. and password is issued to him, under intimation to State Nodal Officer.

xvii. It shall be the duty of the department's Nodal Officer to secure presence of the concerned officer of the concerned department in the court along with relevant records as and when the matter is on board.

xviii. Nodal Officer will be a Reporting Officer to all the Law Officers, Government Pleaders and individual officers, who are all connected with the concerned litigation in the department. Each one of them must be mindful of the responsibility and shall be in the position to pro-actively manage litigation.

xix. Accountability of the Officers connected with the concerned Litigation at various levels could be watched by the LR/Special Secretary/Secretary through Nodal Officer. There would be a critical appreciation not only on the conduct of the cases but also on the officer conducting the cases.

xx. Nodal Officer to ensure that all relevant data is received from the HOD or from the Head of the office as the case may be and would forward them to litigation officers without loss of time.

xxi. Nodal Officer to submit monthly reports to the Administration Level Nodal Officer. It shall be responsibility of the Nodal Officer to receive and deal with the suggestions and complaints including from litigants and Administrative departments and take appropriate measures in connection therewith.

xxii. Nodal Officer shall provide the names, addresses, mobile numbers of Litigation Conducting Officers, Legal Dealing Officials (L.D.O.)/ Dealing Assistants of the department and monitor their actions.

xxiii. Nodal Officer would monitor the cases in the High Courts and the cases in the Supreme Court.

xxiv. Records should be made available to the courts through Law Officer/Government Pleaders or an officer with sufficient knowledge of the facts of the case. He is answerable and accountable to the Nodal Officer. Moreover, concerned staff will be held accountable for the production of civil records and case property in the criminal cases to the concerned Nodal Officer.

xxv. There shall be a "system of evaluation". Nodal Officer would give an annual report to the Senior Standing Counsel about the performance of **Advocates** who have handled their respective cases. The service contract of **Advocates** shall be extended only if their reports are satisfactory.

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Annexure-II

"Guidelines to implement and streamlining the Chandigarh Litigation Policy"

1) A dedicated legal cell may be created in all the departments, if not available.

2) A Post of Law Officer needs to be created or officers having qualification of LL.B. may be posted or appointed on deputation in legal cell for strengthening it and ensuring effective monitoring of the litigation.

3) Young Professionals with LL.B. degree may be engaged on contract basis where ever feasible. Also, regular staff may be involved in overseeing litigation management and co-ordination with all concerned.

4) The Departments at their end need to categorize cases as: i) highly sensitive, ii) sensitive, or iii) regular. Cases falling into the highly sensitive or sensitive categories should undergo review by the Secretary concerned to determine the appropriate course of action. Further, these cases are required to be put up before the Administration Level Empowered Committee, Department Level Empowered Committee as well as District Level Empowered Committee. Further, the report of the Committees are required to be submitted to the concerned Secretary for taking further action in the matter. **In highly sensitive cases**, the Secretary of the Department may convene a meeting with all concerned officials and the officers/officials of the Committees as mentioned above after the case is instituted before the Court or Tribunal and regularly thereafter during the life cycle of the case.

5) The Departments shall be encouraged to conduct detailed analysis of pending cases, identifying areas of litigation with low success rates, non-appearance and any default on behalf of their counsel, etc. Use of technology such as data analytics, artificial intelligence needs to be harnessed for the purpose as per the extant policy of Government of India.

6) The capacity building programs may be organised by the Departments to ensure that affidavits, pleadings, applications, petitions filed in the Courts are drafted with clarity and without errors. The office of Legal Remembrancer, Chandigarh Administration may also be consulted whenever required for identifying/nomination of experts for the purpose.

7) A considerable portion of litigation concerns service matters, which could be substantially addressed by implementing a robust grievance redressal mechanism. The Secretaries of Departments may undertake monthly review to enhance the efficiency and effectiveness of existing grievance redressal mechanisms, thereby improving the functioning of the Department. Additionally, each Department should organise an annual workshop focusing on major service-related issues that experience a high volume of grievances. Whenever, SOPs on service-related issues have been laid down by DoPT/UPSC or any other body, the same should be necessarily followed.

8) There should be higher level of scrutiny of subordinate legislations and assessment should be made by the concerned Departments of issues which may lead to litigation.

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9) While finalising any policy or administrative action, the Competent Authority of any Department need to consider all possible angles to take such measures which may minimize chances of litigation.

10) The Departments with a significant volume of litigation related to contracts need to promptly and effectively address letters/notices received from contractors / concessionaires, assess the validity of claims raised during project implementation which have the potential to trigger full blown arbitration or litigation, and resolve such issues by resorting to Contract Oversight and Support (COS) and by granting Extension of Time (EoT) wherever it deems it proper and necessary.

11) The Government contracts including model concession agreements need thorough scrutiny to eliminate inconsistencies, gaps and ambiguities in the contract provisions, thus reducing the difference in interpretations and its potential that lead to disputes.

12) The Department of Personnel and Training (DoPT) may formulate guidelines for simplifying and expediting inter alia disciplinary proceedings to avoid delays in disposal of cases at administrative level. The DoPT may also review from time-to-time the application fee as provided in Central Administrative Tribunal (Procedure) Rules, 1987 for filing of applications before the Tribunal.

13) The Department shall ensure that there are no unwarranted adjournments taken by them or their counsels in cases pending before Courts and Tribunals.

14) The Department may take appropriate action on any notice/representation including one given by a party/plaintiff under section 80 of the Code of Civil Procedure, 1908 and respond to it with reasons within a reasonable time.

15) When the Hon'ble Supreme Court either on interpretation of a provision or a question of law pertaining to application of a Statute, Rule or Regulation, has taken a beneficial interpretation in a service-related matter, then the benefits emanating thereof should be extended to similarly placed persons. However, exception may be made in those cases where larger policy issues and significant financial implications are involved or in instances where the reasoning given by the said Court is not in consonance with the core policy of the Government or other cause of a like nature. In such matters each Department may also constitute an oversight mechanism headed by a Senior Officer of the Department to examine such issues and submit recommendations to the competent authority.

16) The Departments must regularly monitor litigation involving policy/statutory implications and large monetary stakes and evolve a coordinated approach to have a comprehensive stand of the Government conveyed to the concerned court or tribunal or quasi-judicial forum.

17) In cases involving question of general public importance or constitutional bench matters, wherein the Chandigarh Administration may not be a party but the outcome of the litigation may impact its interest, the respective Law Officers or Counsels of Chandigarh Administration in the various courts may keep a track of such matters and co-ordinate with the Nodal Officers of concerned Department of Chandigarh Administration for taking such necessary steps to protect their interest, wherever required.

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18) When litigation involves more than one Department, the concerned Department against whom relief is sought, shall co-ordinate with the other parties (Departments) to the case from the initial stage of the proceedings till its conclusion and effectively defend the matter.

19) The Department shall compile and update all important Office Memorandums / Guidelines/Circulars on important subjects as a Master circular and the same should be prominently displayed on its website.

20) The Department should take recourse to Alternative Dispute Resolution (ADR) mechanisms and adopt mediation as a means for resolving disputes amicably, in accordance with the provisions of the Mediation Act, 2023. When efforts of an amicable settlement fail, recourse to arbitration, preferably institutional arbitration, may be pursued. Contracts entered by the Chandigarh Administration should invariably have clause for arbitration/mediation, as far as feasible.

21) The Department may assess the applicability of Office Memorandum No. F.1/7/2022-PPD dated 29.05.2023 issued by the Ministry of Finance, Department of Expenditure on the subject of one-time settlement 'Vivad Se Vishwas II (Contractual Disputes)' to effectively settle pending disputes.

22) A monthly assessment of all arbitration cases, whether domestic or international, should be conducted independently by the Secretary or any senior officer of the concerned Departments. The significant conclusions of such assessment be communicated to the Office of Legal Remembrancer, Chandigarh Administration for record and reference.

23) The Appeals/challenges to arbitral awards and court orders to the next higher forum may not be done in a routine manner without proper examination of the merits of the case. Further, the concerned Departments may undertake a discussion, analysis and draw comprehensive conclusions on all related factors for adopting a holistic approach as to the way forward.

24) All the Departments may examine the feasibility of having pecuniary threshold for pursuing a litigation before appellate forum and if so, felt necessary undertake periodic review of the same while filing of appeals in tax, revenue and other matters.

25) The Department may not resort to unwarranted filing of Special Leave Petitions (SLPs) under Article 136 of the Constitution of India. Recourse to SLP must not be in routine but only be taken when exceptional and special circumstances exist for the same. The Hon'ble Supreme Court in catena of cases has defined the scope of interference under Article 136 of the Constitution. An indicative list of principles governing interference by the Hon’ble Supreme Court of India under Article 136 is given below :-

a) Court will grant special leave only when it is shown that exceptional and special circumstances exist, substantial and grave injustice has been done and that the case in question presents features of sufficient gravity to warrant a review of the decision appealed against,

b) Where there is violation of the principles of natural justice or a fair hearing,

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c) Where it is shown that the finding of a fact is in disregard of judicial process, or injustice of a serious and substantial character has occurred,

d) Where the court has acted in violation of a mandatory provision of law or procedure resulting in serious prejudice or injustice to the party,

e) When the assessment of the Hon'ble High Court is vitiated by an error of law or procedure or is based on error of record, misreading of evidence or is inconsistent with the evidence,

f) Where on proved facts wrong inferences of law have been drawn or where the conclusions of the Hon'ble High Court are manifestly perverse and based on no evidence,

g) Where a question of law of general or public importance arises which not only determine dispute between parties but will also be a precedent for guidance for determination of similar disputes in other cases.

Performance of Counsels

The concerned Departments may give feedback to the office of Legal Remembrancer-cum-Director of Prosecution, U.T., Chandigarh on the performance of Empanelled Advocates and Standing Counsels annually. The evaluations should incorporate comprehensive and objective assessments of Panel Counsels and Advocates. While extending the tenure of any Empanelled Advocates/Standing Counsels, the review of their performance will be taken into consideration.

The selection of Panel Counsel for the Chandigarh Administration should be carried out by a committee appointed by the Secretary Law, Chandigarh Administration. This Committee, chaired by Secretary Law, having Legal Remembrancer-cum-Director of Prosecution and other members should assess the performance of the advocates based on criteria such as domain expertise, legal publications, if any, experience and similar qualifications. The assessment of the Committee shall be placed for consideration and approval of the Chief Secretary, Chandigarh Administration. The Committee should be constituted annually and shall meet at least twice in a calendar year.

The assignment of Panel Counsels to Departments for the matters may be undertaken taking into account their subject specific expertise and competency, as far as feasible."

Chandigarh, dated the
26th September, 2025

The Administrator
U.T., Chandigarh.

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